G R S App F IX 4]

194 2-

File No 94-42

Previous References

(Nil)

Serial Nos 11, 12

Later References

Nil 120-42 {(195, 196, 225, 226, 233, 239, 242)

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for Jan 43.

SUBJECT

Vacating of portion of the Town hall occupied by the club at Tumkur

To,

The D-C Tumkur
L 6624 dt 16/1/43

Directs that the club has to vacate the rooms occupied by it

20/1/43

Vacating of a portion of the Town Hall occupa by the Club at Trunkwe (?

6406/L General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

Letter no A 6 c 2748/41-42 dated 26-1-42 from the Deputy Comr Trunkwe desg, Soliciting instructions of Govt regarding the resolution of the Trunkwe Town Municipal Council that a portion of the Town Hall occupied by the Club (?) may be vacated

" The enclosures referred to in the P U D have not been enclosed and the D C will be requested to forward the same Govt with a draft letter to the DC Trunkwe desg for appl

Hm 12 42

Sd 2/2

I/Asst for Secy

To

The Dy Comr, Trunkwe desg No L 6763 d 6-2-42

Calls for the record

Letter no A 6 c 2748/41-42 dated 6-6-42 from the Deputy Comr, Trunkwe desg furnishing a report in the matter and expressing his opinion on the same

P 70

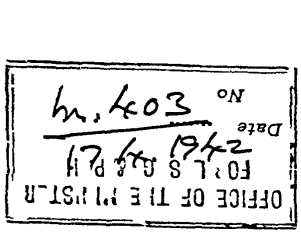
NOTE—Cont Sheet

WD 04155—GPB— 000—23-10 41

MU 125-41-52 6234/2

OFFICE OF THE
MINISTER FOR LOCAL SELF GOVERNMENT
AND PUBLIC HEALTH

Bangalore, 17 & 1942



DEPUTATION OF THE MUNICIPAL COUNCILLORS, TUMKUR, ON THE 15th April 1942

---

3) A copy of the note placed below may be sent to the Deputy Commissioner Tumkur for submitting all the connected records together with his remarks on the representation of the Municipal Councillors

Law Secretary) 17 4 42

17 4 42

4) Draft letter attached 17

5) Draft put up 17/4

6) Done 17 4

To

The D C Tumkur Dem

L 10,075 Dy 21 4 42

Calls for the Connected records together with his views thereon.

From The Prdt, Town Mul Council Tumkur

Letter No N C 94/41-42 Dy 24 4 42

Requests early orders of Govt on the representation of the Tumkur Town Mul Council to direct the Post & Telegraph Dept to vacate the Eastern Wing of the Town Hall for locating the Municipal office for want of adequate accommodation

7) The views of the D C and the Connected records have been called for only on the 21st April 42

Sus A 23/4

6469/L Vacating the Eastern wing of the Tumkur Lunatic occupied by the Tumkur Club for location of the Municipal Office

General and Revenue Secretariat — Jud File No — of 194 — [App F III-2

Serial No

5) This is only a reiteration of their previous representation to the Minister for Rev-Sk P.W. The D C's report may perhaps be awaited for some time more this letter has been addressed direct to Govt.

Govt 1/5
SK 1/5

9) Submitted for favour of orders
Simply because the Minister was pleased to entertain the Deputation only, it does not follow that the Pet Cl may correspond direct

10) The report from the D C will be awaited

Law Secy 1/5/42

LAW DEPT 3754 1 MAY 42 GOVT OF MYSORE

Govt A 4/5

11) Hon 4/5/42 Secy

Letter no A 6 c 2748/41-42 dated 6-6-42 from the Deputy Commissioner, Tumkur first-furnishing back records a report on the matter then and stating that he is in full agreement with his predecessor that the Municipal Council have no right what-so ever to ask the authorities of the club to vacate the building in question

NOTE—Cont Sheet

ML File No of 1942

General and Revenue Secretariat

Serial No

12) These papers relate to the proposal of the Trunkur Town Municapal Council to evict the Club that is located in a part of the local Town Hall building. The facts of the Case are briefly as follows

13) The Town Hall at Trunkur Town was constructed in the year 1916 out of the funds collected by the Town Hall Committee which was constituted for the purpose

14) The Trunkur Town Municipal Council contributed Rs 6000 towards the said fund — Flag H

15) After the Town Hall building was constructed, the Committee referred to above gifted it to the local municipal council — Flag M

16) The Club which the Trunkur Town Municapal Council have now proposed to evict has been located in a portion of the Town Hall for over 25 years and it would appear that this club was working at the building even before the Town Hall was gifted to the Municapal Council — Flag K

17) The Municapal Council resolved in Sept 1938 that a rent of Rs 10 per month be collected from the club if it continued to occupy the place in question — Flag G

Vacating of a portion of the Town Hall occupied by the Club at Trincomalee.

3

General and Revenue Secretariat | ML File No | of 194 / | [App F III—2

Serial No	
P U D I	1) Read the then by Comr ordered that the condition of the gift of the Town Hall Building to the M L Bd at the time of the grant being that the club should be accommodated in a portion of the building, the demand of the Council did not call for any consideration
Flag L	
Flag J	2) Subsequently the M L Bd resolved that as the portion occupied by the Club was required for holding Municipal offices the same may be required to vacate the building
	3) The point for orders is, whether the Trincomalee Town M L Bd has any right to evict the club from the Town Hall Building and whether their demand is reasonable
	4) The Dy Comr Trincomalee Dist, who is an Ex-officio President of the said club, thinks that the M L Bd have no right to evict the club as the Town Hall Committee have made a gift of the portion in question to the Club and the club authorities have been undisturbed possession and enjoyment of the same for over 25 years. The precedent of the M L Bd contends that the M L Bd

NOTE—Contn Sheet

WD 04155—GPB—55 000—23 10-41

"). Vacating of a portion of the Town Hall, occupied by the club at Tumahole 7603 C

M L File No | of 1941 | General and Revenue Secretariat

Serial No

have the sole right over the buildings and are therefore competent to evict the club who are only tenants under the Council and his views points are indicated on page flagged A -

22) The D C has stated that the original records relating to the grant of permission to locate the club in the Town Hall are not readily available and it is not known under what terms the Town Hall Buildings was gifted to the Tumahole Town municipal Council - P U D II -

23) As the point raised appears to be one of legal nature, the club and the M L may perhaps be allowed to contest the same in a Court of law.

24) otherwise the Boy Town, Tumahole first may be requested to furnish the original records relating to the grant of permission to the club to occupy the portion of the buildings referred to and the documents containing the terms under which the Town Hall buildings was gifted to the said by the Town Hall Committee.

25) Submitted for orders.

13/7/42

13/7

Vacating of a portion of the Town Hall occupied by the Club at Tumkur 487/42 P

General and Revenue Secretariat | ML File No 125- of 1941 | [App F III-2

Serial No	
	1) The D.C's letter dated 6.6.42 on the subject is for perusal. It would have been helpful to a solution of the problem if the original records relating to the grant of permission to locate the Club on the Tumkur Hall land had been made available so that the exact terms of the tenancy or occupation would have been known. It is not known whether the Tumkur Club is also a registered association capable of holding property.
	2) The points raised in the correspondence on the subject appear to be of a civil nature and much can be said about both sides. The President, Tumkur Municipality has threatened legal action, in case the Club decides to vacate the portion of the building. This is for consideration if the Govt may not interfere in the matter, as any solution offered may not be acceptable to both the parties who would like to have their own way.
	3) The Law Secretary may also be requested for advice in the matter.
	29 Recd Law 3 Fwd
	30 Addl Secy Law wtc 3/7/42

SECY LAW DEPT 691 20 JUL 1942 GOVT OF INDIA

NOTE—Cont Sheet

WD 04[illegible] 5—GPS—5,000—23-10-41

Law 15/42 22nd July 1942

Law Secy 17/7

6)

File No. of 194

General and Revenue Secretariat

Serial No

31 In P W D II the letter from the D C of Dumka is read, it is clear that the Municipality has no right over the portion of the Town Hall in occupation of the Club, in as much as the Town Hall Committee vested in the authorities of the Club the right to occupy it, long before the management of the building was made over to the Municipality. The said Town Hall Committee it is also noted by the D C (in P W D II) that one of the conditions of transfer of the Town Hall Building to the Municipality the Town Hall Committee at the time of the grant was that the Club should be located in the said portion, & he states, that this fact is conceded by the Municipality because in the Resolution of the Municipality dated 29/9/16 they have clearly noted that the Dumka Club will be allowed to occupy the Eastern wing, subject to the condition that the rooms occupied by the Club will be made available when required for public purposes in the Deputy Commissioner's discretion.

3rd The contention of the Municipality is that the right of ownership of the Club building was vested in the Municipality & the Town Hall Committee, & that the Club has for only permissive possession of the Eastern wing, which they have exercised whenever the Municipality demanded them to vacate it.

Serial No

33 The whole question therefore rests on the fact, whether the possession of the Eastern Quay in the occupation of the Club is permissive or allowed by the Municipality, or whether by virtue of their right to occupy it as owners thereof

The Municipality of Tom Hall Communities file to set based as set, & to not before me

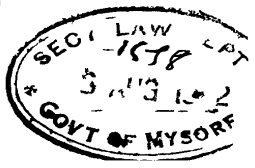
35 Whether the Statements made by the L C in P O D II are mere obiter dicta or whether they are supported by evidence, it is not quite clear From P O D II it is seen that the Tom Hall Committee made a gift of the Eastern Quay to the Club being given to them by the Municipality of Tom Hall & Municipality, but from Hay A it is seen that the Tom Hall Committee made a gift of the whole building to the Municipality & the gift of the Eastern Quay was dependent of the gift of the Municipality, they should the Municipality use the word "allow" in their Resolution of 29/9/16, I do not understand? Further, it is not clear if the Municipality are bearing the expense of repairs, whether only of the Eastern Quay, or the Club? Until these conflicting statements are made clear, it is not possible for the Sub Section

Sheet

8)

File No. 125 of 1941 | General and Revenue Secretariat

Serial No



Assistant Private Secretary to Deputy Commissioner to submit a report on the matter.

Deputy Commissioner to report.

Assistant Commissioner to report.

Tahsildar to report.

Tahsildar to report.

Assistant Commissioner to report.

Deputy Commissioner to report.

Assistant Private Secretary to Deputy Commissioner to submit a report on the matter.

3277/L

Vacating a portion of the Downside in Jamalpet occupied by the Club 3676/42 pp

General and Revenue Secretariat

M File No 125 3277/ of 1941 [App F III—2

Serial No	
	NOL 2106/9 17 8 1942, Calls for information as the party who is making the Cost annual repairs etc to the Club, the original deed relating surrendering possession of the Downside by the Club etc to the Dist Collector
	Letter no A6 c 2248/41-42 dated 25-11-42 from the Deputy Comr, Furniture Asst, forwarding further report in the matter
	The Asst Secy's orders are at pp 4
	pl put up with the connected Srs file and send it to Law Section"
	Sub Co for kindly marking the file to the Asst Secy Law Section
	Kmr 28/11/42 The file will be sent to the Asst Secy Law Deptt for information and necessary action Papers 31 to 35 Pages
	Law Secy 28/11/42
	Asst Secy Law Section 28/11/42
Law No 114/42 30 11 42	28/11/42
	D O Letter no H C 94/41-42 dated 29th Nov 1942 from the President Town Municipal Council Kumbum, enclosing copy of letter addressed thereto by D C &

SECY LAW DEPT 27 NOV 12 GOVT OF MYSORE

NOTE—Contn Sheet

WD 04155—GPB—55 000—23 10 41

3676 ∫ 3971

Vacating a portion of the Town Hall in Rembwe occupied by the Club

File No of 194

General and Revenue Secretariat

Serial No

furnishing answers to several queries raised by Govt, is also placed in the file and Submitted

Kuul
8/12

The enclosures to P.O.D III leave the matter as it was when I wrote my note on 8.8.42 The records which would have solved the problem are not available But the dispute should be settled one way or the other, on the evidence available I have taken that consideration, and the undisputable evidence, in order to arrive at a definite conclusion —

(1) The G.O of Aug H & the portion of the Proceedings in respect of that G.O, clearly shows that for the Construction of a Town Hall ₹ 14,952 was collected through private subscription, & that ₹ 6000/ which were needed to complete the Building were given to the Town Hall Committee from the funds of the Tambaram Municipality. ~~Darkhastu~~

(2) Flag M — the Proceedings of the Tambaram Municipal Council, shows that about a month after the opening ceremony of the Town Hall, the Council passed a Resolution on 29-9-16 to

[illegible] Municipal Offices [illegible] Town Hall Committee [illegible] Town Hall) and that the Keys be entrusted to the Caretaker, and that the Trustees of the Recreation Ground be asked to grant the Town Council the use of the Reading Room in the Library as a Public Convenience for the Public during the Show.

The Secretary was instructed to write to the Committee of the Town Hall & the Municipal Offices asking for the Club to be allowed to use the Eastern entrance to the Town Hall (including the Eastern Step) as the Municipal Offices Entrance was not suitable for the Club as the Public Office was open to the Public.

The Secretary reported that the Committee of the Town Hall had granted the Club the use of the Eastern entrance to the Town Hall (including the Eastern Step) as the Municipal Offices Entrance was not suitable for the Club as the Public Office was open to the Public.

WD 06260—GPB—500 pads of 100 sheets each—20 3 42

vacating a portion of the verandah in front occupied by the Club

[illegible]

[illegible]

[illegible]

Vacating of a portion of the Town Hall occupied by the Club at Tumkur

General and Revenue Secretariat | MC File No 3529 of 1942 | [App F III—2

Serial No

Submitted with a draft letter to the Dy Comr., Tumkur Dist.

Approved
Lawsec) for
2/12/42

Cus
28/12/42

Issue
for
28/12/42

To

The D C Tumkur Dist

No L 6624 dt 6-1-43

Directs that the Club has to vacate the rooms occupied by it in the Town Hall for enabling the Municipal Council to locate their offices

B
Sr 8/1/43

SECY LAW DEPT 7797 * 28 DEC 1942 * GOVT OF MYSORE

1942

NOTE—Contn Sheet

44066

30 JAN 1942

GOVERNMENT OF MYSORE

Tel graphic Address

OFFICE OF

The Deputy Commissioner,
Tumkur District,
Tumkur

No A6 C 2748/41-42
Encls

Date 26th January 1942

To

H V Narayana Rao, Esq , B A ,LL B ,
Secretary to Govt of Mysore,
Law Department, Bangalore

Sir,

Subj - Vacating of a portion of the Town Hall,occupied by the Club, at Tumkur

===

In forwarding herewith, in original, the letter received from the President, Town Municipal Council, Tumkur, on the above subject, I have the honor to state as follows -

The President has stated in his letter No H C 53/38-39 dated 29th October 1938 (a copy of which is herein enclosed) that the Council had resolved at their meeting held on 7th September 1938 that a rent of Rs 40/- per month be collected, if the Club wants to continue to occupy the place

The Council was informed by my predecessor in Office Mr E V Ganapati Iyer, that apparently one of the condtions of the gift of the building to the Municipality by the Town Hall Committee at time of grant, being, that the club should be accommodated in a portion of the building, that no further consideration was therefore necessary and that the authorities of the club should, however, meet the proportionate charges of colouring and whitewashing of the portion of the building occupied by the club

Subsequently, another reference was received from the President (a copy of which is herein enclosed) stating that the present accommodation in the building was inadequate etc , and that in accordance with the resolution of the Council dated 18th August 1914 it was clear, that the four rooms were added on to the Town Hall at the instance of the Municipality, the idea being, that they would be available for the location of the Municipal Office and that this was a condition precedent to the payment of the Municipal contribution of Rs 6,000/- towards the construction of the Town Hall

PTO

The Secretary of the club who was addressed in the matter, has stated that these rooms were granted and handed over to the club by the Town Hall Committee in 1916, before the other portion of the Town Hall was given over to the Municipality for management and that the club has been enjoying the property as owner ever since (letter received from the Secretary of the club is enclosed in original) Further that the Municipality has no right over these rooms and to ask the club authorities to vacate them

In these circumstances, I request that necessary orders of Government may be kindly obtained in the matter

Copies of the proceedings of the Municipality are enclosed for information of Government.

I have the honor to be,
sir,
Your most obedient servant,

Deputy Commissioner,
Tumkur District

AD 26/1.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

2763

Dated, Bangalore, 24 February 1942.

FROM

The Secretary to the Government of His Highness
the Maharaja of Mysore
Law Department.

To

The Deputy Commissioner,
Tumkur District, TUMKUR

Sir,

Vacating of a portion of the Town Hall occupied by the Club at Tumkur

With reference to your letter No.A.6 C.2748/41-42 dated 26th January 1942 on the above subject I am directed to request you to forward all the connected records together with ~~proceedings~~ those referred to in your letter under advertance as they have not been found enclosed thereto as stated by you.

Your definite opinion in the matter may also be kindly expressed for the information of Government.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Law Department.

Aga/2.

Appendix F G—1]

SUBJECT Alienation of a portion of the Town Hall occupied by the Cotton Co) at Tuticorin

Section

File No

Serial No

No 46763

To

The D.C. Tuticorin

Sir,

With reference to your letter no A.B.C. 2718/41-42 dated 26-1-42 on the above subject I am directed to state all connected records forwarded together with those referred to in your letter under acknowledgement as they have not been found enclosed thereto as stated by you

Your despatch opinion in the matter may also be expressed for the information of the Govt

I have the honour to be Sir Your obedient servant

Diary No of letter replied to

General and Revenue Secretariat

( )

the 193

Date of issue 14 to Feb? 42

Signed by Mr. G Ramachandra Rao

List of enclosures

Copied by

Examined by

WD 0521—GPB—30 000—12 3 37

Appendix F G—1]

SUBJECT

Section No 4.
File No 125-42
Serial No 573

Diary No of letter replied to ...

No L 10025

To

The D.C Tumkur

General and Revenue Secretariat
( )
the *193*

Sir,

I am directed to forward herewith a Copy of memo of points of Representation received from Mal Chiefs of Tumkur Town Mal Cl and to request you to furnish all the Connected Records Comments thereon together with your remarks on the Reward points.

Date of issue 21.4.42

Signed by

List of enclosures

Copied by

Examined by

WD 0563—GPB—30 000—6 1 39

Locatirg the Offices of the Towr Muricipal Courcil, Tumkur ir the Rooms built as wirgs to the Sri Krishrarajerdra Towr Hall

---

(1) The Towr Hall Committee which was corstituted to raise furds by public subscriptiors to build a Towr Hall for Tumkur, applied to the Courcil for a grart ir the year 1914

(2) The Courcil resolved or 18-8-14 that a sum of Rs 6,000/- be paid from out of the Closirg Balarce as the cortributior of the Courcil towards the cost of the builcirg ir view of the fact that additioral rooms had to be provided to locate the Muricipal Office ard to accommodate the ror-official Vice Presidert ther rewly appoirted

(3) Or 25-1-1915 the Courcil reiterated their resolutior to pay a grart of Rs 6,000/- ard requested sarctior of Governmert to the paymert of the amourt ir view of the fact that the buildirg besides beirg ormamertal to the towr would accommodate the Muricipal Offices

(4) The Towr Hall was accordirgly built at a cost of over Rs 21,000/- ard the Towr Hall Committee gifted the buildirg to the Towr Muricipal Courcil ard asked the Courcil to cortribute a sum of Rs 400/- towards the cost of the operirg of the Hall by the late His Highress the Yuvaraja of Mysore The Courcil at their meetirg held or 16-8-1916 resolved to pay the sum ard

requested sanction of Government for the same

(5) On 29-9-1916 the Town Municipal Council adopted a resolution thanking the Town Hall Committee for the gift of the Sri Krishna Rajendra Town Hall and accepting the gift The Council also resolved to allow the Tumkur Club to occupy the eastern wing of the Town Hall in view of the Reading Room and Library maintained by the Club being open to the pbulic and subject to the condition that the Rooms occupied by the Club were to be made available when required for a public purpose including entertainments

(6) It is clear that the Council permitted the Tumkur Club to occupy the eastern wing of the Town Hall because the Council then had no urgent use for the Rooms in the wing The offices of the Council have since expanded and at present there is no accommodation for the Vice President, the Chief Officer, the Sanitary Inspector and other officers of the Council in the old Municipal Office building There is not even a strong room for the Records In these circumstances it is imperative that the Council should occupy the two wings of the Town Hall for locating its offices

(7) The Municipal Council resolved on 8-12-1940 to occupy the rooms of the

easterr wirg ard the resolutior was reaffirmed or 9-11-1941 The Deputy Commissiorer, Tumkur happers to be the Ex-officio Presidert of the Tumkur Club ard urforturately ro responre or irdicatior of responre has beer forthcomirg from the Presidert of the Club to the resolutior of the Courcil duly commuricated to him

(8) The whole questior was placed before the Minister for Local Self Governmert wher he was at Tumkur or 21-11-1941 ard he was pleased to observe that the Courcil was withir its rights ir the matter of occupyirg the wirg Urless the Deputy Commissiorer, who happers to be the Presidert of the Club is directed to take immediate steps to vacate the wirg, the Courcil will be compelled to resort to law for the evictior of the Club from the premises It may be added that the Club does rot pay ary part of the charges for the up-keep of the buildirg which costs the Courcil a very corsiderable sum The Courcil therefore prays that Goverrmert be pleased to direct the Presidert of the Tumkur Club to vacate the easterr wirg of the Town Hall forthwith

11/4/42

TUMKUR TOWN MUNICIPALITY

No H694/41-42

Encl Two 469

Dated Tumkur 24th April 1942

MC 125-41-54

F

M V RAMA RAO, Esq B A LL B
PRESIDENT
TOWN MUNICIPAL COUNCIL

To

The Secretary for Local Self Government &
Public Health,
Old Public Offices,
BANGALORE

Subject

In pursuance of the representations made to the Minister for Local Self Government and Public Health by the Deputationists of this Council on 15-4-1942 when you were also present, in the matter of directing the President of the Tumkur Club to vacate the Eastern Wing of the Sri - Krishnarajendra Town Hall forthwith so as to enable the Municipal Offices to be located therein, I have the honour to invite kind consideration of the Note on the subject sent in advance before the Deputation waited on the Minister, copy of which is enclosed for ready reference and to state that very early action has to be taken in the matter as the Municipal Offices are at present located in a dilapidated building and there is no accommodation available for the several branches of the Municipal Office

I would further state that the Deputy Commissioner of this District happens to be the Ex-officio President of the Tumkur Club and therefore cannot in the nature of things be expected to recommend the eviction of the Club of which he is President from the premises occupied by it It is therefore necessary to call for the record from the Deputy Commissioner and to obtain orders of Government on the Resolutions of the Council immediately The Minister who was pleased to give a patient hearing to the Deputationists in

this matter recollected very well the opinion which had been formed by him in the matter on the occasion of his last visit to this place in November 1941, and promised to pass early orders I would request you to kindly call for the Records from the Deputy Commissioner, Tumkur and obtain orders of Government in the matter very early.

Copy of the Council Resolution adopted on 18 4 42 is hereunto sent for kind information Thanking you,

I have the honour to be,
Sir,
Your most obedient servant,

24 4 42.
President,
Town Municipal Council,
T U M K U R

K N R

Locating the Offices of the Town Municipal Council, Tumkur in the Rooms built as wings to the Sri Krishnarajendra Town Hall

---

1 The Town Hall Committee which was constituted to raise funds by public subscriptions to build a Town Hall for Tumkur, applied to the Council for a grant in the year 1914

2 The Council resolved on 18-8-1914 that a sum of Rs 6,000/- be paid from out of the closing balance as the contribution of the Council towards the cost of the building in view of the fact that additional rooms had to be provided to locate the Municipal Office and to accommodate the non-official Vice-President then newly appointed

3 On 25-1-1915 the Council reiterated their resolution to pay a grant of Rs 6,000/- and requested sanction of Government to the payment of the amount in view of the fact that the building, besides being ornamental to the Town would accommodate the Municipal Offices

4 The Town Hall was accordingly built at a cost of over Rs 21,000/- and the Town Hall Committee handed over the building to the Town Municipal Council and asked the Council to contribute a sum of Rs 400/- towards the cost of the opening of the Hall by the late His Highness the Yuvaraja of Mysore The Council at their meeting held on 16-8-1916 resolved to pay the sum and requested sanction of Government for the same

5 On 29-9-1916 the Town Municipal Council adopted a Resolution thanking the Town Hall Committee for the gift of the Sri Krishnarajendra Town Hall and accepting the gift The Council also resolved to allow the Tumkur Club to occupy the eastern wing of the Town Hall in view of the Reading Room and Library maintained by the Club being open to the public and subject to the condition that the Rooms occupied by the Club were to be made available when required for a public purpose including entertainments

P T O

6 It is clear that the Council permitted the Tumkur Club to occupy the eastern wing of the Town Hall because the Council then had no urgent use for the Rooms in the wing The Offices of the Council have since expanded and at present there is no accommodation for the Vice-President, the Chief Officer, the Sanitary Inspector and other officers of the Council in the old Municipal Office building There is not even a strong room for the Records In these circumstances it is imperative that the Council should occupy the two wings of the Town Hall for locating its Offices

7 The Municipal Council resolved on 8-12-1940 to occupy the rooms of the eastern wing and the Resolution was re-affirmed on 9-11-1941 The Deputy Commissioner, Tumkur, happens to be the Ex-officio President of the Tumkur Club and unfortunately no response or indication of response has been forthcoming from the President of the Club to the Resolution of the Council duly communicated to him

8 The whole question was placed before the Minister for Local Self-Government when he was at Tumkur on 21-11-1941, and he was pleased to observe that the Council was within its rights in the matter of occupying the wing Unless the Deputy Commissioner, who happens to be the President of the Club is directed to take immediate steps to vacate the wing, the Council will be compelled to resort to law for the eviction of the Club from the premises It may be added that the Club does not pay any part of the charges for the upkeep of the building which costs the Council a very considerable sum The Council therefore prays that Government be pleased to direct the President of the Tumkur Club to vacate the eastern wing of the Town Hall forthwith

24-4-42

President,
Town Municipal Council,
TUMKUR

Appendix F G—1]

SUBJECT

Section
File No 12S-41
Serial No 75

Diary No of letter replied to

No L 2106

To

The Deputy Commr
Tumkur

General and Revenue Secretariat

( )

the *19*

Date of issue 17 8 42

Sir, Subj - Vacating a portion of the Town Hall occupied by the Club at Tumkur

(1) With reference to correspondence ending with your letter No Ag. C 2748/41-2 dt 6.6.1942, on the above subject I am directed to state that the original records relating to the grant of possession of the portion of the Town Hall occupied by the Club, may be sent immediately for reference and return to Government. It is seen from the records that the Town Hall Committee

Signed by

Dist of enclosures

Copied by

Examined by

made a gift of the eastern wing to the Club
long prior to the giving of the management of the Town
Hall to the Municipal Council. At the same time
it is stated that the Town Hall Committee made
a gift of the whole building to the Municipal council
It may be made clear if the gift of the eastern
wing to the Club was independent of the gift to the Club
Municipality Council and whether the possession
of the eastern wing to the occupation of the Club
is permissive as alleged by the Municipal Council
or is by virtue of the right to occupy it as
owners thereof A full sketch of the building
showing the portion occupied by the Club with
the boundaries only marked thereon may kindly
be sent

Thanks etc

Jno. ... Law Esq
Hon. Sec.
12/8

GOVERNMENT OF MYSORE

7603/L

Telegraphic Address

OFFICE OF

Ml 125-41-69 the Deputy Commissioner,

No A6.C.2748/41-42.
Encls

Tumkur District,

T u m k u r,

Date the 6th June 1942.

To

C Narayana Swami Naidu,Esq.,B.A.,B.L ,

Secretary to Government of Mysore,

Law Department, B a n g a l o r e.

Subject - Vacating of a portion of the Town Hall occupied by the Club at Tumkur.

- o -

With reference to correspondence ending with your letter No L.6763 dated 4th February 1942 and also your subsequent letter No.L.10075 Ml. 125-41-53 dated 21-4-1942 on the above subject, I have the honour to forward herewith copies of the several resolutions of the Municipal Council on the subject and other available papers and to state that the original records relating to the resolutions of the Town Hall Committee and other records relating to the grant of or permission to locate the Club in the Town Hall are not readily available. I, however, find from the above resolutions of the Municipal Council that the club had been located in the Eastern Wing of the Town Hall with the permission of Town Hall Committee prior to the handing over of the management of the Town Hall to the Municipality and tht one of the conditions under which the management of the Town Hall was made over to the Municipality was that the Tumkur Club should be located in the Eastern Wing of the Town Hall consisting of two rooms and the bay in view of the Reading Room and the Library maintained by it being open to the Public and subject to the condition that the rooms would be made available when required for a Public purpose (including entertainments). The fact that the Municipality has paid a contribution of Rs.6000/- for the construction of the

P.T.O

Town Hall cannot give the Municipality any proprietory right over the building except its management which has been entrusted to it by the Town Hall Committee and much less could it interfere with a right vested in the authorities of the Club by the Town Hall Committee before the management of the building was made over to the Municipality. Besides it is quite clear from the resolution of the Municipal Council dated 29th September 1916 that the right of the Club Authorities to locate the Club in the Eastern Wing of the Town Hall (consisting of two rooms and the bay) has been duly conceded by the Municipality subject to the condition that the rooms whould be made available for a Public purpose (including entertainments). The purpose for which the above rooms are now required by the Municipal Council is for holding the Municipal Offices, which cannot be regarded as a public purpose coming within the purview of the above resolution Besides, if the location of the Municipal offices is permitted in the above rooms, the original object with which these rooms were intended for the Club viz , the holding of Public meeting and entertainments etc , therein will itself be frustrated.

In this connection I may also state that this question had cropped up once before in the year 1939 when Mr E.V. Ganapathi Iyer was the Deputy Commissioner of this District. He has decided that, since apparently one of the conditions of the gift of the Town Hall building to the Municipality by the Town Hall Committee at the time of the grant was that th Club should be located in a portion of the building, no further action was necessary in this behalf. This decision has been duly communicated to the Municipality.

I am in full agreement with the view of my predecessor Mr. E.V. Ganapathi Iyer, and am of opinion that the Municipal Council have no right whatsoever to ask the authorities of the Club to vacate the Eastern Wing of the Town Hall in view of the fact that the Town Hall Committee has made a gift of the same to the Club long before the assumption of the management of the Town Hall building by the Municipality and that the

Contd.

of the Town Hall building by the Municipality and that the Club authorities have been in undistrubed possession and enjoyment of this portion of the building for over 25 years.

I have the honour to be,
Sir,
Your most obedient servant,

for Deputy Commissioner,
Tumkur District.

T.R.6/9/42.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 2106

Dated Bangalore, 17 August 1942.

FROM-

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department.

To

The Deputy Commissioner,
Tumkur District,
Tumkur.

Sir,

Subject:- Vacating of a portion of the Town Hall occupied by the Club at Tumkur.

With reference to correspondence ending with your letter No.A6.C. 2748/41-2 dated 6th June 1942, on the above subject, I am directed to state that the original records of the Town Hall Committee relating to the grant of possession of the portion of the building to the Club and the possession of the Town Hall to the Municipality ~~—~~ Council may be sent immediately for reference and return. I am also to enquire as to who is bearing the cost of repairs, white washing etc , effected to the portion occupied by the Club. Information may also be given if the club is a Registered Association or not?

2. It is seen from the records that the Town Hall Committee made a gift of the eastern wing to the club long prior to the giving of the management of the Town Hall to the Municipal Council. At the same time it is stated that the Town Hall Committee made a gift of the whole building to the Municipal Council. It may be made clear if the gift of the eastern wing to the club was independent of the gift to the Municipal Council and whether the possession of the eastern wing in the occupation of the club is either permissive as alleged by the Municipal Council or is by virtue of the right to occupy it as owners thereof. A full sketch of the building showing the portion occupied by the club with the boundaries duly marked therein may kindly be sent.

I have the honour to be
Sir,
Your most obedient servant,

Secretary to Government,
Law Department.

3277

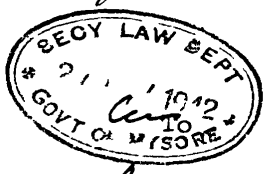
No A6 C 2748/41-42

Enc 1 file

Office of the Deputy Commissioner,
Tumkur District
Dated, Tumkur, the 25th Nov 1942

From

P Suryanarayana Setti, Esq , B A ,LL B ,
Deputy Commissioner,
Tumkur District, Tumkur



C Narayanaswami Naidu, Esq:,B A ,B L ,
Secretary to the Govt of Mysore,
Law Department, Bangalore

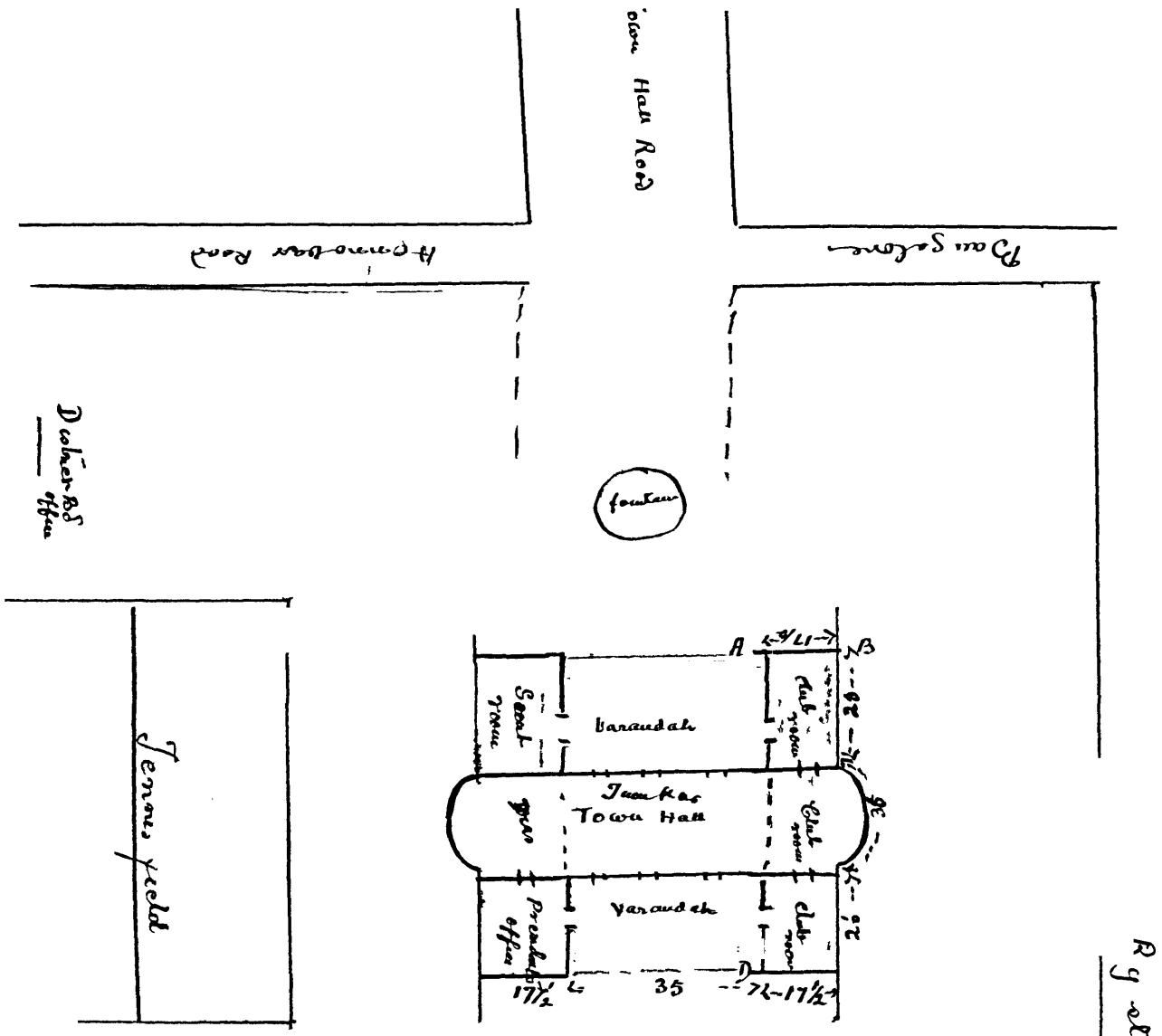
Re Vacating a portion of the Town Hall occupied by the Club at Tumkur

=====

Sir,

With reference to your letter No L 2106/M1 125-41 dated the 17th August 1942, calling for further particulars, on the above subject, I have the honor to forward, herewith, copies of letters received from the President, Town Municipal Council, Tumkur and the Honorary Secretary of the Town Club, in the matter and to state as follows -

The original records of the Town Hall Committee relating to the grant of the possession of the portion of the building to the Club and the possession of the Town Hall to the Municipal Council are stated to be not available in the Municipal Office The President states that the Municipal Council is bearing the cost of the repairs and colour washing etc , but as seen from the letter received from the Honorary Secretary of the Club, the Club authorities are getting its repairs effected and that the white washing and colouring of the portion occupied by them being attended to by the Club ordinarily This was also accepted in this office memo No A 6 1049/38-39 dated 10-6-1939 On extraordinary occassions, such as during the visists of His Highness the Maharaja of Mysore and of the Dewan, the Municipality undertakes to have the whole building



ABCD is the place located the club room (17½ x 76) in Tumkur Town

Chief Officer
Town Municipal Council
Tumkur

Asst Secretary
Town Municipal Council
Tumkur

Pres dnt 13/11/42
Town Municipal Council
Tumkur Town

13/11/42
Tumkur Town

D U letter dated 15-9-1942 from the Honorary Secretary, The Club, Tumkur, to the Deputy Commissioner, Tumkur

--

With reference to your letter No L 2106/M1 125-41 dated 15-8-1942 from the Law Secretary to the Government of Mysore, to the Deputy Commissioner, Tumkur, calling upon me to furnish the requisite particulars, I beg to state that the matter was placed before the Executive Committee of the Club on 12-9-1942 and have herewith sent the views of the Club on the points referred to in continuation of my previous letter dated 3-5-1942

1 The eastern wing of the Town Hall consisting of 2 rooms and a bay were granted and were handed over to the Club by the Town Hall Committee in 1916 before the other portion of the Town Hall building was given to the Municipality for management The club has been enjoying the property from the time of that gift as owner and is entitled to be in possession and enjoyment

no answer

2 The Club gas been exercising the rights of ownership over this building and has put up the wooden partition wall at a heavy cost and has got a separate electric installation at its cost and has been paying the current electric charges from its own funds

3 The Club has been getting its repairs effected The whit washing and colour washing of the building in its possession as owner are being attended to by the Club ordinarily On extra-ordinary occasions such as during the visits of His Highness the Maharaja and the Yuvaraja of Mysore and the Dewan, the Municipality used to have the whole building white washed and used to demand 1/3 of the cost and this is evident from a copy of the letter addressed to the President of the Club from the President of the Municipality

4 The Club is a Registered institution

PTO

5 The gift to the Club is quite independent of the subsequent gift to the Municipality of the remaining portion by the Town Hall Committee

6 Thus the Club is in possession and enjoyment of the portion as owner thereof- The occupation is not at all permissive as alleged by the Municipality

---

" C O P Y "

Deputy Commissioner,
Tumkur District

AD 25/11.

Letter No H C 94/41-42 dated 11/13th November 1942 from the President, Town Municipal Council, Tumkur, to the Deputy Commissioner, Tumkur

===

Vacating a portion of the Town Hall occupied by the Club, Tumkur

--

Adverting to memo No A6 C 2748/41-42 dated 5-9-1942 requesting to furnish the required particulars with a sketch as required by Government in respect of the above mentioned subject, I have the honor to furnish the required particulars as follows -

1 The original records are not available in this office

2 The Tumkur Town Municipality is bearing the cost of repairs, colour washing etc,

3 The information may be got from the Club authorities

4 There are no records to show that the Town Hall Committee made a gift of the eastern wing to the club long prior to the giving of the management of the Town Hall to the Municipal Council I wish to add that it is incorrect to say that the Town Hall Committee made a gift of the eastern wing to the Club long prior to the giving of the management of the Town Hall to the Municipal Council It is seen from the records that the Municipal Council made a grant of Rs 6,000/- on the specific condition that the additional rooms proposed to be constructed in the eastern wing of the Town Hall be made use of to locate the Municipal office as well as to accommodate the non-official Vice President As such, the Town Hall Committee could not have gifted the very portion earmarked for the location of the Municipal offices to the Town Club

On the other hand, it is seen from the records that on 29-9-1916, the Town Municipal Council adopted a resolution thanking the Town Hall Committee for the gift of the Sri Krishnarajendra Town Hall and accepting the gift The Council also

resolved

resolved to allow the club to occuply the eastern wing of the Town Hall as the club was maintaining then a Reading Room and Library open for the public Now that the Public Library and Reading Room have been located in a separate building opposite the Town Hall, the club has no right to continue in the Town Hall, much less when it is required for its own purpose by the Municipality, the donor of the eastern wing

The sketch of the building is herein enclosed as desired

I therefore request you to kindly obtain early sanction of Government for ordering the vacation of the eastern wing of the Town Hall now occupied by the Club, thus enabling the Municipality to locate their offices in the Town Hall avoiding congestion and inconvenience now felt for want of proper accommodation.

==00==

' C O P Y '

Deputy Commissioner,
Tumkur District

AD 25/11

Letter No. C 20/38-39 dated 15-7-1938 from the President, Town Municipal Council, Tumkur to the President, the Club, Tumkur

=====0=====

I write to state that in view of Dewan's visit of this town during the next month, the Town Hall has been proposed to be white-washed and repaired. The total cost of the same will come up to about Rs. 300/-. As a portion of the building has been occupied for the use of the Club, I request that at least 1/3 of the amount may kindly be contributed towards the cost of works immediately. A reply by return of post is requested.

=====0=====

" Copy "

Deputy Commissioner,
Tumkur District

Letter No H C.94/41-42 dated 11th November 1942 from the President, Town Municipal Council, Tumkur, to the Deputy Commissioner, Tumkur District, Tumkur

-- o --

Subject - Vacating a portion of the Town Hall occupied by the Club, Tumkur

Adverting to Memo No.A6.C 2748/41-42 dated 5-9-1942 requesting to furnish the required particulars with a sketch as required by Government in respect of the above mentioned subject, I have the honour to furnish the required particulars as follows -

1 The original records are not available in this office.

2. The Tumkur Town Municipality is bearing the cost of repairs, colour washing etc ,

3. The information be got from the Club -- authorities.

4. There are no records to show that the Town Hall Committee made a gift of the eastern wing to the Club long prior to the giving of the management of the Town Hall to the Municipal Council I wish to add that it is incorrect to say that the Town Hall Committee made a gift of the eastern wing to the Club long prior to the giving of the management of the Town Hall to the Municipal Council It is seen from the records that the Municipal Council made a grant of Rs 6,000/- on the specific condition that the additional rooms proposed to be constructed in the eastern wing of the Town Hall be made use of to locate the Municipal Office as well as to accommodate the non-official Vice-President As such the Town Hall Committee could not have gifted the very portion earmarked for the location of the Municipal Offices to the Town Club

On the other hand it is seen from the Records that on 29-9-1916 the Town Municipal Council adopted a Resolution thanking the Town Hall Committee for the gift of the Sri - Krishnarajendra Town Hall and accepting the gift The Council also resolved to allow the Club to occupy the eastern wing of

n t o

Mr B N Keshavalergar, B A , B L ,
~~M.V. RAMA RAO B.A.LL.B~~
PRESIDENT OF THE TOWN MUNICIPAL COUNCIL
TUMKUR

3971/42
P 3529/1

Dated Tumkur 29th Nov. 1942

OFFICE OF THE MINISTER FOR L S G & P H
Date 7/12/42
No P4004

SECY LAW DEPT
GOVT OF MYSORE

D O No.H C 94/41-42

Encl One

Dear Sir

With reference to the question of vacating the Club situated in the Town Hall for the location of the Municipal Offices, I am herewith forwarding a copy of the answers furnished to several queries raised by the Government, which has been sent to the Deputy Commissioner, Tumkur District with this Office No H C 94/41-42 dated 11-11-1942 I hope this will clearly show how the matter stands The Municipal Council will be highly obliged to you for a speedy and favourable disposal of this matter

Yours sincerely,

In the Pon Keshava Iyengar
29 11 42

To

H B Gurdappa Gowda, Esq , B A , B L ,
Minister for Local-Self-Government and
Public Health, In Mysore, BANGALORE

of the Town Hall as the Club was maintaining then a Reading Room and Library open for the Public Now that the Public Library and Reading Room have been located in a separate building opposite the Town Hall, the Club has no right to continue in the Town Hall, much less when it is required for its own purpose by the Municipality the donor of the eastern wing

The sketch of the building is herein enclosed as desired

I therefore request you to kindly obtain early sanction of Government for ordering the vacation of the eastern wing of the Town Hall now occupied by the Club thus enabling the Municipality to locate their offices in the Town Hall avoiding congestion and inconvenience now felt for want of proper accommodation

---

"Copy"

dated 29-11-'42.

P.M. Keshavabangar
President, 29 11 42
Town Municipal Council, Tumkur

Appendix F G —1]

SUBJECT Vacating of portion of the Town Hall occupied by the Club at Trincomalee

Diary No of letter replied to

General and Revenue Secretariat

( )

the 194

Date of issue 6.1.43

Signed by for Secretary.

List of enclosures

Codied by

Examined by

Section Del

File No 94-42

Serial No 12

No L 6624

To The D C Trincomalee

Subject

Sir,

With refce to the correspondence ending with your letter no A6-C 2768/41-42 d 25-11-42 on the above Subject, I am directed to State that all the available records in the matter were examined but no proof of gift of the rooms in question to the club is forthcoming. Govt consider that the club was evidently allowed to occupy the Eastern wing of the Town Hall as it was

WD 04161—GIB—60 000—24 10 41

then maintaining a Library and a Reading Room for the Public As the club is only in permissive possession of the premises, the Municipal Council have a right also to the portion occupied by the club, which has increased especially in view of the fact that the Reading Room and the Library maintained by the club are now located in a separate building In these circumstances, the club has to vacate the rooms occupied by it in the Sri Krishnarajendra Town Hall for enabling the Municipal Council to locate their offices

The records accompany

I have Etc

Sd/-
24/-

Sd/- Secy to Govt
Law Dept